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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,336	05/31/2000	William F. Reeves		2397

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EXAMINER

KOPPIKAR, VIVEK D

ART UNIT PAPER NUMBER

3626

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/583,336

Applicant(s)

REEVES, WILLIAM F.

Examiner

Vivek D. Koppikar

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-77 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-77 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of the Application

1. Claims 58-77 have been examined in this application. This communication is in response to the amendment filed on behalf of this application on February 15, 2006. This is a Final Office Action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 63 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The original specification, filed on May 31, 2000 does not teach that the "security encryption is at least 128 bit encryption and the unique identifiers correspond to the user's name and identification for authentication purposes."

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 67 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation that the "software provides for compatible and seamless use and operation of the digital records among the storage and computer devices" is an arbitrary

Art Unit: 3626

statement or advantage of the system as opposed to a concrete limitation. To overcome this limitation, the examiner recommends amending the claims so that the particular features which make the system compatible and seamless are recited.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 58-62; 64-66 and 68-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeager in view of Sellers, Wilcox and US Patent Number 5,615,268 to Bisbee.

(A) As per claim 58, the combined teachings of Yeager in view of Sellers, Wilcox and Bisbee collectively teach an electronic system for storing, retrieving and organizing digital medical records and other vital personal information from bodily worn or carried storage devices, the system comprising:

a storage device that is carried or worn capable of storing digital medical records and other vital personal emergency information of the user (Yeager: Figure 1, Table 1 and Page 5, Ln. 1-26);

means for the rapid access, erasing, and updating of the digital medical records and personal data of the user (Yeager: Page 5, Ln. 18-23);

means for access, display, and periodically the digital records within the storage device via a modem, Internet or communications link (Yeager: Page 6, Ln. 28-Page 7, Line 8);

Art Unit: 3626

software for operating and controlling said electronic system including the functions of: digitizing, controlling, organizing, printing, transmitting, updating, modeming, and displaying the digital records in condensed page format for emergency medical treatment and other applications and usage (Yeager: Figure 1 and Page 5, Ln. 14-26).

Yeager does not teach the following features which are taught by Sellers:

means for docking or porting the storage device to portable or stationary computer devices for the records: access, launching, display, organization, transfer, reading, writing, erasing, modeming, and updating (Sellers: Col. 5, Ln. 19-42); and

means for accessing the digital records from the storage device using either wireless or contact electronic components and ports (Sellers: Col. 5, Ln. 19-42).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Yeager with the above, aforementioned features from Sellers with the motivation of providing a cheap and inexpensive system for transmitting medical information and person information for emergency treatment, as recited in Sellers (Col. 2, Ln. 16-19 and Ln. 45-48).

Yeager and Sellers do not teach a portable storage or disk for storing medical records, however, this feature is taught by Wilcox (Col. 2, Ln. 64-Col. 3, Ln. 15). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager and Sellers with the aforementioned features from Wilcox with the motivation of providing a small, portable and easily worn electronic data storage device that can interface with an external accessing system, as recited in Wilcox (Col. 1, Ln. 8-10).

Yeager, Sellers and Wilcox do not teach the following features which are taught by Bisbee:

means for recognizing and authenticating the storage device via a unique digital identifier stored in the storage device, when the storage device is ported to the computer devices (Bisbee: Abstract); and

means for encrypting the records within the storage device for confidentiality and security (Abstract).

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Yeager, Sellers and Wilcox with the aforementioned features from Bisbee with the motivation of providing security when transferring and retrieving documents in digital formats as recited in Bisbee (Col. 1, Ln. 9-11).

(B) As per claim 59, the examiner takes Official Notice that at the time of the invention it would have been obvious for one of ordinary skill in the art to have enclosed the storage system collectively disclosed by Yeager, Sellers, Wilcox in view of Bisbee in a waterproof device with the motivation of providing strength to the system so that it would be able to ensure harsh conditions (e.g. when a person is swimming or is otherwise exposed to water or the rain).

(C) As per claim 60, in Yeager the storage and rapid access of the digital medical records from the data storage device is via non-volatile memory components (Yeager: Page 7, Ln. 1-8).

(D) As per claim 61, in Yeager the devices are portable (Yeager: Abstract).

(E) As per claim 62, the stationary computers include personal computers (Yeager: Abstract).

(F) As per claims 64-65, in the combined system of Yeager in view of Sellers, Wilcox and Bisbee a modem is used to upload or download information from the storage device for periodic

Art Unit: 3626

updates, the access to the records for medical, insurance or other personal matters and the modem links the storage device to the computer devices to a website (Bisbee: Col. 5, Ln. 1-16). The motivation for making this modification to the system of Yeager is the same that was set forth in the rejection of claim 58, above.

(G) As per claim 66, in the combined system of Yeager in view of Sellers, Wilcox and Bisbee the wireless or contact electronic components include serial ports (Sellers: Col. 5, Ln. 55-57). The motivation for making this modification to the system of Yeager is the same that was set forth in the rejection of claim 58, above.

(H) As per claim 68, Yeager in view of Sellers, Wilcox and Bisbee collectively teach the process of storing, retrieving, and organizing digital medical records and other vital personal information from bodily worn or carried storage devices, the process comprising the steps of -inputting digital records into said bodily worn or carried device organizing said digital records in data field and page format for treatment in medical emergencies and other situations (Yeager: Figure 1, Table 1 and Page 5, Ln. 1-26); -accessing and displaying said digital records using portable or stationary computer devices (Yeager: Page 6, Ln. 28-Page 7, Line 8).

Yeager does not teach the following features which are taught by Sellers:

-transmitting said digital data to and from said storage devices using a modem and telecommunications systems (Sellers: Col. 5, Ln. 19-42); and
-docking said storage device to said computer devices using either wireless or port connections (Sellers: Col. 5, Ln. 19-42).

Art Unit: 3626

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the system of Yeager with the above, aforementioned features from Sellers with the motivation of providing a cheap and inexpensive system for transmitting medical information and person information for emergency treatment, as recited in Sellers (Col. 2, Ln. 16-19 and Ln. 45-48).

Yeager and Sellers do not teach a portable storage or disk for storing medical records, however, this feature is taught by Wilcox (Col. 2, Ln. 64-Col. 3, Ln. 15). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined process of Yeager and Sellers with the aforementioned features from Wilcox with the motivation of providing a small, portable and easily worn electronic data storage device that can interface with an external accessing system, as recited in Wilcox (Col. 1, Ln. 8-10).

Yeager, Sellers and Wilcox do not teach the following features which are taught by Bisbee:

authenticating said storage devices by smart software that recognizes a unique identifier storage within said storage device (Abstract);

encrypting said digital records for security and confidentiality (Abstract);

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined process of Yeager, Sellers and Wilcox with the aforementioned features from Bisbee with the motivation of providing security when transferring and retrieving documents in digital formats as recited in Bisbee (Col. 1, Ln. 9-11).

(I) As per claim 69, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of inputting said digital records further comprises a step of assigning the digital records to specific data field within a digital page (Yeager: Table 1).

(J) As per claim 70, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of organizing said digital records further comprises a step of organizing said digital data into condensed medical history pages based on clinical relevance in a medical emergency. (Note: In a medical emergency the most important information is the name, sex and blood type of an individual and these types of data are at the top of the aforementioned table in Yeager which shows their clinical relevance, especially in a medical emergency.)

(K) As per claim 71, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of accessing and displaying said digital records further comprises the step of recognizing said storage device as a medical records device and automatically displaying the digital records (Bisbee: Abstract and Col. 2, Ln. 46-56). The motivation for making this modification to the process of Wilcox is the same as was set forth in the rejection of Claim 58, above.

(L) As per claim 72, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of transmitting said data to and from said storage device by use of said modem further comprises the step of converting said digital data to an AM, FM, Broadband or other wireless digital signal for wireless or hardwired data communication (Yeager: Page 5, Ln. 20-26).

(M) As per claim 73, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of docking said storage device to said computer device further comprises the step of authenticating said storage device, prior to displaying said records, by comparing said unique

Art Unit: 3626

identified stored within said storage device to a database of master identifiers stored within said computer system (Bisbee: Abstract and Col. 2, Ln. 45-56).

(N) As per claim 74, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of organizing said digital records into condensed medical history further comprises the steps of placing said data in chronological order and prioritizing said data based on the pre-existing medical conditions of the bodily worn device user (organizing records) (Yeager: Figures 7A-7B and Page 7, Ln. 20-Page 8, Ln. 10).

(O) As per claim 75, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of authenticating said storage devices further comprises the step of rejecting said storage device from use within said system if said identifier stored within said storage device is not recognized by said system software (Bisbee: Col. 2, Ln. 44-56). The motivation for making this modification to the process of Wilcox is the same as was set forth in the rejection of Claim 58, above.

(P) As per claim 76, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of encrypting said digital records further comprises the step of decrypting said digital records after the system recognizes said storage device and allows said system to access and use said decrypted digital records (Bisbee: Col. 2, Ln. 44-56 and Claim 4).

(Q) As per claim 77, in the combined process of Yeager, Sellers, Wilcox and Bisbee the step of transmitting said digital data using said modem further comprises the step of sending said digital data to and from an Internet website (Yeager: Page 13, Lines 5-16).

Response to Arguments

8. Applicant's arguments with respect to claims 58-77 have been considered but are moot in view of the new grounds of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Art Unit: 3626


Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,



Vivek Koppikar

4/28/2006



JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER